

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 20, 2003 at
3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 283, HB 306, HB 372, HB 396,
3/17/2003

Executive Action: None

HEARING ON HB 283

Sponsor: REP. DAN FUCHS, HD 15, Billings

Opening Statement by Sponsor:

REP. FUCHS stated that HB 283 is to help move wolf management back to the Fish, Wildlife, & Parks Department (FWP) and to encourage the FWP to delist the wolves. He said that he has agreed to some amendments. He said that with the amendments put on in the House, the fiscal note is invalid, and net impact would be zero.

EXHIBIT(fis59a01)

{Tape: 1, HB 283; Side: A; Approx. Time Counter: 0 - 3.4}

Proponents' Testimony:

Gary Marbut, Montana Shootery Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA), stated that they are very concerned about the hunting opportunities. He added that they are on the verge of losing the elk if the wolves can't be hunted. He said that they like the bill better unamended, but still support the bill.

Jean Johnson, Montana Outfitters and Guides Association, said that it is important to get the wolf issue under control. She supports HB 283.

John Blonquist, Montana Stockgrowers' Association, stated his support for the bill and for delisting the wolves.

{Tape: 1, HB 283; Side: A; Approx. Time Counter: 3.4 - 6.7}

The Committee received copies of two opinion articles by REP. JOE BALYEAT regarding the delisting of the wolves.

EXHIBIT(fis59a02)

EXHIBIT(fis59a03)

Opponents' Testimony:

Chris Smith, Chief of Staff, Montana FWP, read his written testimony in opposition to HB 283 if unamended. Otherwise, they support HB 283.

EXHIBIT(fis59a04)

Janet Ellis, Montana Audubon, said that they support the bill if it contains the amendments. She addressed the classification of the wolf being a "predatory animal," which they oppose.

Christine Phillips, Montana Chapter, Sierra Club, also supports the bill only if amended.

Shawn Regarus, Predator Conservation Alliance, stated that they oppose the bill in its current form, but will support it with the amendments.

Lyn Fairbanks stood in opposition to HB 283 and the use of the word "predator" describing wolves.

{Tape: 1, HB 283; Side: A; Approx. Time Counter: 6.7 - 13.8}

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. McGEE wondered if the Sponsor is in favor of the amendments.

REP. FUCHS replied that he is.

SEN. SHEA asked where a person could see a wolf. **Lyn Fairbanks** answered that they can be seen in Yellowstone Park.

Closing by Sponsor:

REP. FUCHS closed on HB 283.

{Tape: 1, HB 283; Side: A; Approx. Time Counter: 13.8 - 16.1}

HEARING ON HB 306

Sponsor: **REP. JOE BALYEAT, HD 32, Bozeman**

Opening Statement by Sponsor:

REP. BALYEAT read his written testimony regarding HB 306, to place a "right to hunt" amendment in Montana's Constitution (Exhibit 5). He also referred to the letter from Jeff Hagener, Director, FWP (Exhibit 6), and an article **REP. BALYEAT** wrote for the newspaper.

EXHIBIT (fis59a05)

EXHIBIT (fis59a06)

EXHIBIT (fis59a07)

{Tape: 1, HB 306; Side: A; Approx. Time Counter: 0 - 6.9}

Proponents' Testimony:

Gary Marbut, MSSA, WMFGA, said that there are threats to take away this freedom (to hunt) and that anti-hunters want to sue Montana. They strongly support this bill.

Bob Gilbert, Executive Director, Walleyes Unlimited, Montana, stated that this is a good bill and urged a Do Pass from the Committee.

Robert Throssell, Montana Wildlife Federation, stated their support for HB 306.

Jean Johnson, Montana Outfitters and Guides Association, also supports HB 306.

Chris Smith, Chief of Staff, Montana FWP, read his written testimony in support of HB 306.

EXHIBIT(fis59a08)

Don (name inaudible), Montana Stockgrowers' Association, stood in support of this bill.

{Tape: 1, HB 306; Side: A; Approx. Time Counter: 6.9 - 10.3}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. TASH asked about if there was a fiscal note. **REP. BALLYEAT** replied that it "will not cost the State a dime." **SEN. TASH** wondered who will pay for the printing and placing on the ballot. **REP. BALLYEAT** responded that it will be included with the next general election ballots; it will not be a special election.

SEN. BARKUS asked about Audubon's support of the bill. **REP. BALLYEAT** stated that they are "okay" with the amended language.

Closing by Sponsor:

REP. BALLYEAT closed on HB 306.

{Tape: 1, HB 306; Side: A; Approx. Time Counter: 10.3 - 11.6}

HEARING ON HB 372

Sponsor: REP. LARRY CYR, HD 37, Butte

Opening Statement by Sponsor:

REP. CYR explained that there are only two changes within this bill. One is present law, on Page 2, and the other is changes in statute on Page 1, Lines 12-13. He said that this will change the opening day of the general hunting season so that it has to be on a Saturday, not a Sunday. He explained the changes made by the amendment regarding the effective date.

EXHIBIT(fis59a09)

{Tape: 1, HB 372; Side: A; Approx. Time Counter: 0 - 2.7}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MCGEE had a concern regarding the option to shorten the hunting season to four weeks long, instead of five. Chris Smith, FWP, stated that the Commission would continue to have the same discretion as now to set the season; the only change would be that it would have to start on Saturday.

SEN. BARKUS asked if the season will still close on Sunday. Chris Smith answered that it would be up to the Commission. SEN. BALES inquired if the Board has the power to set the opening date at any time right now. Chris Smith relied that they do.

SEN. BALES asked why they didn't go to the Commission to make that request instead of putting it into statute. REP. CYR stated that the Commission answered that it had been Sunday for so long, they weren't comfortable with changing that without a new law. SEN. BARKUS added that the principal lobbyists against opening on Saturday are the sporting goods stores.

Closing by Sponsor:

REP. CYR closed on HB 372.

{Tape: 1, HB 372; Side: A; Approx. Time Counter: 2.7 - 7.5}

HEARING ON HB 396

Sponsor: REP. CAROL GIBSON, HD 20, Billings

Opening Statement by Sponsor:

REP. GIBSON explained that HB 396 changes the hunter education laws. She explained what the hunter education course covers and its importance. This bill states that anyone born after 1985 has to take the course before they can receive a hunter's license. FWP anticipates offering an online hunters' education course.

{Tape: 1, HB 396; Side: A; Approx. Time Counter: 0 - 5.4}

Proponents' Testimony:

Ron Moody, Montana Hunter Education Instructor, Lewistown, presented his written testimony and information in support of HB 396.

EXHIBIT (fis59a10)

Robert Throssell, Montana Wildlife Federation, said that there are many problems with landowners and sportsmen; this is a step in ethics education as well. They support this bill.

Chris Smith, Chief of Staff, Montana FWP, read his written testimony in support of HB 396.

EXHIBIT (fis59a11)

Jean Johnson, Montana Outfitters and Guides Association, stated their support for HB 396. She expressed concern for adult access to hunter education courses.

{Tape: 1, HB 396; Side: A; Approx. Time Counter: 5.4 - 10.5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MCGEE wondered about a person moving to Montana from a state like Kentucky, where the requirements are different. **Chris Smith** explained that if they are born prior to 1985, they are not required to take the course.

SEN. McGEE gave an example and wondered how anyone is going to know if they took the hunters safety course. **Chris Smith** stated that all nonresidents have to obtain their license in a drawing-application process. They will soon have the opportunity to fulfill the requirements on the FWP website.

SEN. McGEE asked how a person can show the correct use of a rifle in the internet. **Chris Smith** explained that the program would try to demonstrate safe rifle skills.

{Tape: 1, HB 396; Side: A; Approx. Time Counter: 10.5 - 14.3}

SEN. BALES asked if hunters in the military need to take the course too. **Bob Lane, FWP Legal Counsel**, agreed that the concern is legitimate, and that is the reason to change their requirement from having to wait six months to get a license to only 30 days, if they take the hunter's safety course.

SEN. SPRAGUE asked if Malmstrom has a hunter safety course. **Ron Moody** answered that they do have one; the goal is to incorporate military personnel at the air force base in the programs.

SEN. HANSEN wondered about the enforcement of this law. **Chris Smith** explained that a person under the age of 18 has to have the card to prove that they have taken the course. An automated system is available to call and confirm a license, if needed.

{Tape: 1, HB 396; Side: A; Approx. Time Counter: 14.3 - 21.3}

SEN. SPRAGUE inquired about the effective date. **Chris Smith** stated that it would be October 1, 2003 if not further specified.

SEN. SPRAGUE asked about the possibility of public service announcements to make the public aware of the new law. **Chris Smith** answered that they would make the information well-known through their website and other media.

SEN. SPRAGUE wondered about refresher courses. **Chris Smith** responded that the courses are open to anyone. He gave the example of a black bear course they offered online for free. He said that 50,000 people took the test, but FWP only gave out 17,000 licenses; that shows how many took it just for the information.

{Tape: 1, 396; Side: A; Approx. Time Counter: 21.3 - 24.8}

SEN. BARKUS asked about reciprocity from other states. **Chris Smith** replied that the bill specifies who will need to take the course in those situations as well.

SEN. BARKUS inquired if that person would pay the \$10 fee to take the test. **Chris Smith** said that \$10 is FWP's cost to administer the test; there is no cost to the person.

SEN. BALES had a question regarding the licensing process. **Chris Smith** affirmed that the individual would be verified as having completed the course, either by the card, or by the automated license system.

Mary Vandebosh added that Page 2, Lines 19-20 states that the Department may adopt rules regarding how a person demonstrates that they are licensed. **SEN. BALES** stated that law takes precedence over rules.

{Tape: 1, 396; Side: A; Approx. Time Counter: 24.8 - 28.8}

Bob Lane explained that the person issuing the license can receive the certificate of completion, and they can put it on the computer.

Closing by Sponsor:

REP. GIBSON closed on HB 396.

CHAIRMAN SPRAGUE closed the meeting.

{Tape: 1, 396; Side: B; Approx. Time Counter: 0 - 2.8}

ADJOURNMENT

Adjournment: 6:30 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis59aad)